

2011; and (2) TruePosition's Requests For Admission To ETSI Regarding Personal Jurisdiction, dated October 12, 2011 (collectively, the "Discovery Requests").

3. In an October 13, 2011 Letter to John G. Harkins, Esq., counsel for TruePosition, I advised him that the Discovery Requests were improper for at least the following reasons: (1) they improperly seek discovery prior to the parties having met and conferred pursuant to Fed. R. Civ. P. 26(f) in violation of Fed. R. Civ. P. 26(d)(1); (2) the Court in this action has not issued any order or instruction allowing jurisdictional discovery; and (3) the Discovery Requests were not served on ETSI pursuant to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters as required by French Penal Code Law No. 80-538, to which ETSI is subject, and which requires ETSI to otherwise refuse to respond to the Discovery Requests. I further requested that TruePosition withdraw its Discovery Requests for these reasons. A true and correct copy of this letter is attached hereto as Exhibit 1.

4. TruePosition refused to withdraw its Discovery Requests, and instead insisted that ETSI formally respond to the Discovery Requests.

5. On November 14, 2011, ETSI timely served the following on TruePosition in response to the Discovery Requests: (1) ETSI's Response And Objections To TruePosition's Requests For Production Of Documents To ETSI Regarding Personal Jurisdiction, dated November 14, 2011; and (2) ETSI's Response And Objections To TruePosition's Requests For Admission To ETSI Regarding Personal Jurisdiction, dated November 14, 2011. ETSI served

these responses and objections subject to and without prejudice to or waiver of any and all of its objections to the Discovery Requests, including but not limited to those identified herein.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 15, 2011.

/s/ William S.D. Cravens
William S.D. Cravens

Exhibit 1

To

**Declaration Of William S.D.
Cravens In Support Of Defendant
European Telecommunications
Standards Institute's Motion To Dismiss**

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October 13, 2011

VIA EMAIL

John G. Harkins, Jr., Esq.
Harkins Cunningham
2800 One Commerce Square
2005 Market Street
Philadelphia, PA 19103-7042

**Re: TruePosition, Inc. v. LM Ericsson Telephone Company, et al.,
Case No. 2:11-cv-04574-RK**

Dear John:

I am writing to formalize my request during our call this morning that TruePosition withdraw the discovery requests improperly served on ETSI on October 12, 2011. The requests are improper for a number of reasons. First, they are premature under Fed. R. Civ. P. 26(d)(1) because the discovery period has not yet begun. Second, jurisdictional discovery as to ETSI is not permitted or appropriate for the reasons set forth in Section III(A) of ETSI's Memorandum of Law in support of its Motion to Dismiss. Third, service of the requests is contrary to French law, to which ETSI is subject. Please let me know whether TruePosition will agree to withdraw the requests.

Sincerely yours,



William S.D. Cravens

cc: Steven E. Bizar, Esq.
Arman Y. Oruc, Esq.
Peri L. Zelig, Esq.
Robert N. Feltoon, Esq.
Roger G. Brooks, Esq.
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